



IHB File No. S3/8162

CIRCULAR LETTER 67/2007
19 July 2007

STATUS OF PROPOSED IHO TECHNICAL RESOLUTIONS

References a) IHB CL 11/2007 dated 30 January 2007
b) IHB CL 30/2007 dated 12 March 2007

Dear Hydrographer,

The IHB thanks the numerous Member States that have responded to the referenced Circular Letters regarding *ENC Distribution and the Use of the Term ENC* (Reference a) and *The Principles and Procedures for Making Changes to IHO Standards and Specification* (Reference b). The responses to each Circular Letter have been overwhelmingly positive; however, neither has received sufficient positive responses for its resolution to be adopted.

The resolution on *ENC Distribution and the Use of the Term ENC* received twenty-eight affirmative responses and one negative response. In specific comments the Spanish text provided by Spain and Peru expresses the same intent but in a more straightforward, concise manner. The IHB has substituted this text in the Spanish version of **Annex A**. Argentina and Ecuador may wish to resubmit their response, if this change is unacceptable. Additionally, the United Kingdom, in its negative response, has expressed concern with the current wording of the resolution, especially its use of "must" rather than "should" and the lack of clarity or bounds in describing "governmental responsibility". The UK has offered alternative wording which they find acceptable. Member States may wish to consider this alternative proposal given this extended opportunity to respond.

With regard to the resolution on *The Principles and Procedures for Making Changes to IHO Standards and Specification*, all thirty responding Member States supported the adoption of the resolution. The United Kingdom and the United States of America expressed concerns over the subjective interpretation regarding the scope of applicability and the imposition of undue bureaucracy in certain IHO processes. Bangladesh expressed the concern that the impact of changes on developing Member States was not explicitly dealt with. Bangladesh provided additional text to this end. Again, Member States may wish to address these issues in their responses.

Annex A and **Annex B** are provided for those Member States who have not yet responded to do so, should they desire. Appended to each annex are the responses and comments of Member States who have already responded. Member States that wish to respond on these two issues, either for the first time or to change their previous submission, are kindly invited to do so **by 15 September 2007**.

On behalf of the Directing Committee
Yours sincerely,



Rear Admiral Kenneth BARBOR
Director

ENC DISTRIBUTION AND USE OF THE TERM ENC

Proposal:
New IHO Technical Resolution A3.13

VOTING FORM
(to be returned to the IHB by 15 September 2007
E-mail: info@ihb.mc - Fax: +377 93 10 81 40)

Member State:

Do you approve the inclusion of a new Technical Resolution A3.13, relating to ENC distribution and the use of the term ENC, in IHO Publication M-3 *Resolutions of the International Hydrographic Organization*, with the following wording:

“A3.13 ENC DISTRIBUTION AND USE OF THE TERM ENC

- (a) The distribution of ENC must have a suitable method of authentication to confirm its source and integrity,
- (b) The governmental responsibility for ENC is the same as that applicable to other navigational products and services issued by or on the authority of the respective issuing government,
- (c) ENC must be made universally available in an IHO recognized non-proprietary format, and
- (d) The term ENC must not be qualified in any way to refer to any product that is not government authorized.”

YES

NO

Comments :.....
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Name/Signature: Date:

Member State Responses to CL 11/2007
ENC Distribution and the Use of the Term ENC

1. The following Member States responded in favour of adopting the resolution without comment:

Algeria, Argentina, Australia, Belgium, Croatia, Denmark, Ecuador, Estonia, Finland, France, Germany, India, Italy, Japan, Korea, Rep. of, Latvia, Netherlands, New Zealand, Norway, Poland, Serbia and Montenegro, South Africa, Sri Lanka, South Africa, Sweden, Ukraine and USA.

2. The following Member States voted in favour of the resolution with the qualifying comments:

Spain and Peru proposed a more concise translation in Spanish for para. (d) which has been adopted in the Spanish version.

[IHB Note: This does not affect the English and French versions.]

3. The United Kingdom voted against adopting the resolution offering the following comment and suggested revision:

UK fully supports the general purpose of TR A3.13. However, the proposed resolution appears to overreach the existing mandate of the IHO, as a consultative and technical organization, by the frequent use of the word "must" in the text. It is considered that it is possible to express the Member States' common understanding of the issues identified by the WEND committee in an advisory manner only.

UK also has reservations concerning the use of the term "governmental responsibility for ENC", which would appear to indicate a considerably broader obligation than that considered necessary to support the apparent aim of this TR.

In order to address these comments, the following alternative wording is proposed, which the UK is content to raise in an appropriate forum:

"A3.13 ENC DISTRIBUTION AND USE OF THE TERM ENC

"(a) An 'Electronic Navigational Chart' ('ENC') should:

(i) be made universally available in an IHO-recognized, non-proprietary format; and

(ii) be distributed using a method of authentication capable of confirming its source and integrity.

(b) The hydrographic office or other responsible government institution should accept liability for ENC data to the same extent as it accepts liability for other navigational products and services it issues and supplies.

(c) Additionally, in order to reinforce the principle expressed at paragraph (b) above, use of the term ENC should be discouraged in connection with any digital chart product not issued by or on the authority of a hydrographic office or other responsible government institution and/or whose exchange dataset does not conform to current IHO standards."

VOTING PAPER

*(to be returned to the IHB by 15 September 2007
E-mail: info@ihb.mc - Fax: +377 93 10 81 40)*

**PRINCIPLES AND PROCEDURES
for
MAKING CHANGES TO IHO TECHNICAL STANDARDS AND SPECIFICATIONS**

Member State:

Do you agree that the 'Principles and Procedures for making Changes to IHO Technical Standards and Specifications', as contained in Annex A to IHB CL 30/2007, be made a new IHO Technical Resolution A1.21?

YES

NO

Comments:

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Name/Signature

Date:

Member State Responses to CL 30/2007
Principles and Procedures for Making Changes to IHO Technical Standards and Specifications

1. The following Member States voted in favour of adopting the resolution without comment:

Argentina, Australia, Belgium, Brazil, Colombia, Denmark, Ecuador, Estonia, Finland, Germany, Greece, Iceland, India, Japan, Monaco, Netherlands, Norway, Pakistan, Peru, Slovenia, South Africa, Sweden and Tunisia.

2. The following Member States voted in favour of adopting the resolution with comments:

Bangladesh - The revised 'Principles and Procedures for making Changes to IHO Technical Standards and Specifications' is agreed but integration of following criteria may also be considered:

a. The principle for assessing any proposed change should incorporate evaluation of the financial and technological constraints/limitations of the developing Member States in adopting changes.

b. The procedure to implement the changes should include the obligation of obtaining a certain percentage (maybe 75% or more) of approval/vote of IHO Member States.

France - A French version of the 'Typical Lifecycle of an IHO Standard' should be developed.

New Zealand - New Zealand was a major contributor to the deliberations at CHRIS and fully supports the new principles and procedures.

Oman - Any control over changing standards is welcome. The more the better.

Portugal - IHPT fully supports the work developed by CHRIS at its 18th meeting in the revision of principles and procedures for making changes to IHO Technical Standards and Specifications. In order to optimize and standardize the proposal for changes to IHO technical standards and specifications it is important that these principles and procedures be adopted and applied.

United Kingdom - UK agrees that there is a requirement for a Technical Resolution (T.R.), but considers the wording needs to be reviewed before being made a T.R. and requests clarification of the application of the Resolution as contained in Annex A to CL 30/2007.

Currently the scope seems ambiguous: whilst the resolution would be entirely appropriate for the development of S-57, S-100, etc, with potentially wide impacts on the maritime community, it appears excessive for many of the IHO's other standards. The draft states that the 'procedures are intended to be applied to all proposals for change to IHO technical standards and specifications', but also that they 'are not intended to be applied to minor technical issues that arise from the work of IHO subordinate bodies'. It is not clear whether the second phrase exempts IHO subordinate bodies from its application or whether the bodies themselves make the subjective assessment of which piece of work the Resolution applies to.

Of particular concern is the application of the Resolution to the CHRIS CSPCWG. This Working Group currently proposes changes to M-4 and revised symbology, which are subject to approval by Member States; adding a further layer of approval could lead to stagnation of the Working Groups activities.

A general comment is that the use of 'must' or 'will' needs to be restricted to activities undertaken by the IHB or IHO Committees, etc.

United States of America - The proposed "Principle and Procedures for Making Changes to IHO Technical Standards and Specifications" is acceptable for its purpose and should not impede reasonable proposals for change. In supporting these principles and procedures, the USA interprets Procedure subparagraph 1. to include the acceptability of considering proposals by correspondence and Circular Letter. In addition, the USA interprets the last two dashed items of Procedure subparagraph 5. to include the proposed retirement date of the old standard.